

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JANISHA HERNANDEZ,

Plaintiff,

vs.

DAVID L. WEIGEL.; JOHN DOES 1-10
(said names fictitious, real names unknown);
and ABC CORPS, 1-10 (said names
fictitious, real names unknown),

Defendants.

: Civil Action No.:
:
:

NOTICE OF REMOVAL

Petitioner, DAVID L. WEIGEL, referred herein as Defendant in the above-entitled action, by his attorneys, TRAUB LIEBERMAN STRAUS & SHREWSBERRY LLP, respectfully show this Court:

1. The Petitioner is a named Defendant in the instant action.
2. This action was commenced by the filing of a Complaint in the Middlesex County Superior Court of New Jersey, Law Division, on June 22, 2022. See Exhibit A.
3. Respondent/Plaintiff in the above-captioned matter claims to have sustained permanent personal injuries as the result of a motor vehicle accident with Petitioner that occurred on or about August 8, 2021. See Exhibit A.
4. The Summons and Complaint were served on Petitioner, DAVID L. WEIGEL, on July 1, 2022. See Exhibit B.
5. Petitioner, DAVID L. WEIGEL, is a resident of Bardstown, Kentucky, residing at 116 McGown Avenue, Bardstown, Kentucky 40004.
6. Respondent/Plaintiff is domiciled in Woodbridge, New Jersey.

7. There are presently no ascertainable parties to this action who are believed to reside in New Jersey other than Respondent/Plaintiff.

8. An Answer to Respondent/Plaintiff's Complaint was filed on behalf of Petitioner, DAVID L. WEIGEL, on July 21, 2022. See Exhibit C.

9. On July 21, 2022, Petitioner served Respondent/Plaintiff with a Request for Statement of Damages. See Exhibit D.

10. On July 26, 2022, Respondent/Plaintiff served Petitioner with her Response to Petitioner's Request for Statement of Damages indicating Respondent/Plaintiff demands \$100,000. See Exhibit E.

11. As such, the amount in controversy claimed by Respondent/Plaintiff in this matter exceeds \$75,000.00, exclusive of interest and costs. See 28 U.S.C. § 1332(a) and § 1446(b).

12. Accordingly, this Court has original jurisdiction of the instant civil action pursuant to 28 U.S.C. § 1332 because the parties are completely diverse and the amount in controversy exceeds \$75,000.00. This matter is therefore ripe for removal.

13. Removal is timely as Petitioner filed the instant Notice of Removal within the requisite thirty (30) day time limitation.

WHEREFORE, Petitioner prays that the instant action now pending before the Superior Court of New Jersey, Middlesex County, Law Division, be removed therefrom to the United States District Court for the District of New Jersey, and for such other and further relief as this Court deems just and proper.

Dated: July 28, 2022

TRAUB LIEBERMAN STRAUS & SHREWSBERRY LLP



By: _____

Matthew Toto, Esq.

Attorney for Petitioner: DAVID L. WEIGEL

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